

Notice of Allowability

Application No.

10/010,561

Examiner

Elvis O. Price

Applicant(s)

KATO ET AL.

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment/arguments filed 1/16/04.
2. ☒ The allowed claim(s) is/are 22-26 (now renumbered 1-5, respectively).
3. ☒ The drawings filed on 08 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Applicants' arguments, filed 1/16/04, were found convincing to overcome the rejection issued in the office action dated 11/28/03. Applicants' method for isomerizing halogenated aromatics is unobvious over the prior art of record because the prior art of record does not teach or suggest isomerizing halogenated aromatics, as presently claimed, wherein a catalyst composition having secondary zeolite particles with a maximum diameter of 5 microns or less. Additionally the prior art of record does not teach or suggest isomerizing halogenated aromatics wherein the said halogenated aromatics contain 15 ppm or less of dissolved oxygen. Although the prior art of record teaches the isomerization of halogenated aromatics using zeolite catalysts there is no evidence or reasoning taught or suggested in the prior art of record that would lead one having ordinary skill in the art to conclude that (1) the zeolite catalysts taught in the prior art of record necessarily or inherently contain secondary zeolite particles having a maximum diameter of 5 microns or less or (2) that the halogenated aromatics taught in the prior art contain 15 ppm or less of dissolved oxygen. Additionally, applicants have shown, by way of comparative data, that the size of the secondary zeolite particles (maximum diameter of 5 microns or less) allows for increased catalyst activity, higher reaction rates and lower reaction temperatures (see Examples 2 and Tables 3 and 4). Applicants have also shown that a dissolved oxygen content of 15 ppm or less in the halogenated aromatics, reduces deactivation of the catalyst (see Example 5 and Table 6). All claims (22-26) are allowed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elvis O. Price whose telephone number is 571 272-0644. The examiner can normally be reached on 8:30 am to 5:00 pm; Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 571 272-0646. The fax phone numbers for the organization where this application or proceeding is assigned is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.



Elvis O. Price

April 2, 2004